

Hon. Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA

Plaintiff,

v.

WENDY R. DAVIS a.k.a. WENDY DAVIS, a
single person;

Defendants.

NO. C05-5070 RJB

DEFAULT JUDGMENT AND
DECREE OF FORECLOSURE

This matter having come on upon the United States' Motion for Default Judgment and Decree of Foreclosure, default having been entered against defendant Wendy R. Davis, a.k.a. Wendy Davis, in accordance with Rule 55, Federal Rules of Civil Procedure, and this Court having reviewed the files and records herein, and being fully advised;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the United States have and recover judgment in its favor against Defendant Wendy R. Davis, a.k.a. Wendy Davis, in the sum of One Hundred Thirty-three Thousand, Two Hundred Eight-five Dollars and Eighty-five Cents (\$133,285.85) (Balance due on Account No. 1560085 is \$78,029.14 [\$53,188.26 principal and \$12,695.26 interest accrued through January 24, 2005, plus interest accrued on the principal balance of \$53,188.26 at the daily rate of \$9.1076 from and after January 24, 2005, to date of judgment, plus \$8,184.30 administrative fees and \$3,960.71 subsidy subject to recapture, plus interest accrued on any recoverable costs at the daily rate of \$1.2682] plus the balance due on Account No. 12292494 is \$55,256.71 [\$44,418.34

DEFAULT JUDGMENT AND
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principal and \$10,838.37 interest accrued through January 24, 2005, plus interest accrued on the principal balance of \$44,418.34 at the daily rate of \$7.6059 from and after January 24, 2005, to the date of judgment]).

2. Interest on this judgment will accrue at the legal rate pursuant to 28 U.S.C. § 1961, from the date of entry of the judgment until fully paid.

3. That the United States have and recover costs to date in the sum of Ninety-Six Dollars and Five Cents (\$96.05), together with all costs and expenses of any matters in connection with the administration, supervision, preservation, protection of, or the realization upon the collateral, whether such costs are incurred in or out of Court.

4. That the United States have and recover filing fees allowed pursuant to 28 U.S.C. § 2412(a), in the amount of Two Hundred Fifty Dollars (\$250.00).

5. That the United States have and recover docket fees allowed pursuant to 28 U.S.C. § 1923, in the amount of Twenty Dollars (\$20.00).

6. That the Deeds of Trust attached to the Complaint as Exhibits C and H, are hereby foreclosed and the property is hereby ordered to be sold pursuant to the provision of 28 U.S.C. § 2001, *et seq.*, with the proceeds of the sale applied first to the costs and expenses of making the sale and secondly, to the payment of the sums due to the United States on its cause of action, and any excess of the proceeds shall be distributed to the Defendant as her interest may appear.

7. That the subsidy, as provided by the Subsidy Repayment Agreements at Exhibits D and I of the Complaint and 42 U.S.C. § 1490a (a)(1)(D)(i), are subject to recapture as a result of the disposition or nonoccupancy of the property by the borrower and as such, the subsidy is payable from the proceeds of the sale of the foreclosed property, herein. The Deeds of Trust at Exhibits C and H of the Complaint secure the repayment of such subsidy.

8. That the United States' recovery shall be limited to the proceeds of the sale of the real property subject to the foreclosed Deeds of Trust and Interest Subsidy Repayment Agreement.

